

REMARKS

Claims 1, 6, 7, 12, 14, 15, 16, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anastor (US 2,815,755). Anastor discloses a dual chamber container having a cylindrical main body with a *frangible or easily breakable* divider for separating the chambers. The Anastor container is intended for use with a medication which requires mixing with a solvent immediately prior to use. To that end, great care is taken to ensure that the partition can be broken by manual operation of a piston plug. The present invention, by contrast, concerns a dual chambered mouth wash container with a permanent divider designed to *prevent* mixing of an oral rinse and water. The present invention contemplates a system where an oral rinse such as hydrogen peroxide or other medicinal liquid solution, which is undesirable or even harmful to swallow, is used as a first rinse and contained in a first chamber, with water or other inert liquid to be used to rinse away the oral rinse contained within the second chamber. Thus a key aspect of the invention is to provide a dual chambered container with a *permanent* divider, which is also characterized by the provision of sealable openings disposed at opposing end portions of the container to further reduce the possibility of unintended mixing of the contents of the two chambers.

Accordingly, the independent claims 1, 7, and 14 have been rewritten to include the term --permanent divider-- as opposed to the frangible or breakable divider disclosed by Anastor, and are thus deemed allowable. Claims 6, 14, 15, 16, and 19 are dependent upon respective ones of the independent claims and are also deemed allowable. Reconsideration is respectfully requested.

Claims 2, 3, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anastor (US 2,815,755) in view of Ratcliff (US 5,052,590) and Frazier et al. (US 4,980,152). As discussed above, Anastor is no longer applicable in light of the amendment of independent claims 1, 7, and 12, and therefore the applicant believes that claims 2, 3, 8, and 9 are allowable. Reconsideration is respectfully requested.

Claims 4, 5, 10, 11, 13, 17, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anastor (US 2,815,755) in view of Ratcliff (US 5,052,590) and Clyde (US 6,247,617). Again, Anastor is no longer applicable in light of the amendment of independent

claims 1, 7, and 12, and therefore the applicant believes that claims 4, 5, 10, 11, 13, 17, 18 and 20 are allowable. Reconsideration is respectfully requested.

The prior art made of record and not relied upon is not considered pertinent to the invention as now claimed. As with Anastor, the prior art patents disclose containers which are configured for the storage of liquids or other materials which are to be mixed prior to use.


In accordance with the above, the application, with claims 1 - 20 is believed to be in condition for allowance, which action is respectfully requested.


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CERTIFICATE OF MAILING

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Date: 7/06/06


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